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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,192	03/02/2004	Yoshio Kawahara	101229-00002	3959
4372	7590	07/13/2005	EXAMINER	
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			CHAN, WING F	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/790,192

Applicant(s)

KAWAHARA, YOSHIO

Examiner

Wing F. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 23 is/are allowed.
- 6) ☒ Claim(s) 1,4-11,15 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Flohr (US PAT. NO. 5,612,733).

Flohr discloses an electronic apparatus (11) comprising a capture unit (e.g. camera 1, see col. 7 lines 3-15), a plurality of voice input units (e.g. microphones 3, 3', 3'', Figs. 1-3, col. 7 lines 24-30), voice obtaining unit (e.g. audio processing circuitry inside housing, col. 7 lines 24-30) obtaining predetermined voice when voice is input to the microphones.

3. Claims 10, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Akai et al (US PUB. NO. 2004/0204194 filed 10/31/02 hereinafter Akai).

Akai discloses an electronic apparatus (cellular phone terminal) comprising a capture unit (camera 111), a plurality of voice input units (e.g. microphones 101,

abstract, Fig. 1(1), [0018]), voice obtaining unit (102) obtaining predetermined voice when voice is input to the microphones.

4. Claims 1, 4, 5, 17, 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Taneya et al (WO 03/065692 published Aug. 7, 2003 hereinafter Taneya).

As to claims 1, 4, 17, 18, Taneya discloses a cellular telephone [electronic apparatus] comprising: a plurality of capture units, fixed in different directions, capturing a target object (e.g. cameras 3, 30, Figs. 1(a), 1(b), 3, 5, 6(a)); a voice input unit inputting voice (microphone 22 in Fig. 3); a selection unit selecting one of said plurality of capture units (e.g. camera selection is based on the open-close sensor 18 for selecting the front or rear camera, see page 6 line 23 to page 7 line 11); and a sensitivity control unit (control unit 10) controlling sensitivity of said voice input unit based on said selection unit.

As to claim 5, Taneya discloses when the rear camera (30) is selected the microphone sensitivity is increased (e.g. Fig. 4 S9) as compare to the use of the front camera (3; Fig. 4 S8), e.g. see first embodiment, page 8 line 10 to page 10 line 3.

5. Claims 11, 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Kwon (KR2004016477).

As to claim 11, Kwon discloses an electronic apparatus (40) comprising a capture unit (50) capturing a target object; a voice input unit (60) inputting voice; and a rotation unit (60) rotating said capture unit and said voice input unit with a relative

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position between said capture unit and said voice input unit maintained. See entire abstract and drawing.

6. Claims 11, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawai (US PUB. NO. 2004/0137958).

As to claim 11, Sawai discloses an electronic apparatus (2) comprising a capture unit (5) capturing a target object; a voice input unit (51) inputting voice; and a rotation unit (60) rotating said capture unit and said voice input unit with a relative position between said capture unit and said voice input unit maintained. See abstract, Figs. 1-3(c), sections [0029-0051] for example.

7. Claims 15, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakawa (JP 06-302169).

Murakawa discloses an electronic apparatus (camcorder), comprising: a capture unit (2) capturing a target object; a voice input unit (microphone 8) inputting voice; a rotation unit (4) rotating said capture unit; and a sensitivity control unit (9) controlling sensitivity of said voice input unit based on a rotation angle of said rotation unit. See abstract.

8. Claims 6-8, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsugane et al (US PAT. NO. 4,961,211 hereinafter Tsugane)

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Tsugane discloses an electronic apparatus (conferencing system) comprising a plurality of capture units (cameras), corresponding number of voice input units (microphones), a selection unit 101 for selecting one of the cameras, and a control unit 9 for controlling the microphones based on the selection unit, for example see Fig. 1, col. 3 line 26 to col. 4 line 68.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane in view of Urisaka et al (US PAT. NO. 6,714,238 hereinafter Urisaka).

Tsugane differs from the claimed invention in not disclosing the control unit increasing the sensitivity of the microphone corresponding to the selected camera. However, it is old and well known in the art to match the audio characteristics of the microphone with the camera operation status to 'improve realistic feeling to the observer', for example see Urisaka col. 5 lines 44-64, col. 7 lines 53-61. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsugane to increase the sensitivity of the microphone corresponding to the selected camera as claimed in order to 'improve realistic feeling to the observer'.

11. Claims 1, 4, 5, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al (US PUB. NO. 2001/0004269 hereinafter Shibata) in view of Murakawa (JP 06-302169).

Shibata discloses a portable telephone substantially as claimed comprising a portable casing having arranged thereon a microphone 18, one or a plurality of image pick-up devices (23, 33) arranged on the casing (e.g. see abstract, Figs. 1-3) for imaging images located on either different sides of the housing, memory means (53) for recording audio and images, recording processing means (inherent but not shown in order to record onto the memory means). Also see the specification for example.

As to claim 1, Shibata differs from the claimed invention in not disclosing a sensitivity control for varying microphone sensitivity in accordance with a photographing direction of the one image pick-up device being operated. However, it is old and well known in the art to provide microphone sensitivity control for varying microphone sensitivity in accordance with a photographing direction of the one image pick-up device being operated, for example see Murakawa's abstract and translation. Murakawa teaches using a microphone audition correcting circuit to correct the microphone audition characteristics [microphone sensitivity] to ensure the voice being recorded is adjusted based on the direction of the camera (front, rear) is in the same audition, i.e. same level. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shibata to comprise microphone sensitivity control for varying microphone sensitivity in accordance with a photographing direction of the one image pick-up device being operated to ensure the voice being recorded is

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adjusted based on the direction of the camera (front, rear) is in the level and has the same clarity.

12. Claims 16, 23 are allowed.

13. Claims 2, 3, 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wing F. Chan  
Primary Examiner  
Art Unit 2643

7/6/05